

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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CARLOS RAY BLANCO,

Case No. 2:21-cv-01523-RFB-DJA

**Plaintiff(s),**

## ORDER

VS.

## US DEPARTMENT OF STATE,

Defendant(s).

Before the Court is the [6] Report and Recommendation and [11] Objection/Appeal of Magistrate Judge Report and Recommendation. The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party fails to object to a magistrate judge's report and recommendation, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 149-52, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985). The Court need only review *de novo* the portions of the report and recommendation that the plaintiff has filed an objection to. 28 U.S.C. § 636(b)(1)(C). During this *de novo* review, the "district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3).

On September 8, 2021, Judge Albregts recommended dismissal of this matter on the basis that Plaintiff failed to file a complete application to proceed in forma pauperis. Judge Albregts

1 determined that the Court could not determine whether Plaintiff is eligible to proceed in forma  
2 pauperis. Judge Albregts also recommended dismissal of Plaintiff's claims on the basis that they  
3 contained apparently baseless factual contentions. Judge Albregts observed that Plaintiff's  
4 Complaint appeared to assert that his birth certificate and social security number are fraudulent,  
5 because he did not consent to being given a birth certificate or social security number, or to  
6 becoming a citizen, as he was an infant when it happened. Plaintiff's objection to the Report and  
7 Recommendation does not respond to the substance of Judge Albregts' opinion. The objection,  
8 styled as a "sovereign-citizen" objection, merely suggests that Judge Albregts' recommendation is  
9 based on racism and is a violation of Plaintiff's human rights. The Court finds no clear error with  
10 Judge Albregts' recommendation that this matter be dismissed, as it is both frivolous and the IFP  
11 application is incomplete.

12 IT IS THEREFORE ORDERED that the [6] Report and Recommendation is ADOPTED  
13 and [11] Objection/Appeal of Magistrate Judge Report and Recommendation is DENIED. This  
14 case is dismissed. The Clerk of the Court is instructed to close this case.

17 DATED this 18<sup>th</sup> day of August, 2022.



21 RICHARD F. BOULWARE, II  
22 UNITED STATE DISTRICT JUDGE  
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